UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

ROCHELLE WASTE DISPOSAL, LLC

and Cases 33-CA-15298

33-CA-15765 33-RC-5002

INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 150, AFL-CIO

JOINT MOTION TO ACCEPT STIPULATION AS PARTIES' COMPLIANCE WITH SHOW CAUSE NOTICE

Counsel for the General Counsel and counsel for Respondent move the Board to accept the following stipulation of facts as compliance with the Board's August 23, 2010 Notice to Show Cause:

1. The Complaint in this matter is amended by substituting the following language for paragraphs 5 and 6 of the original complaint (which issued February 19, 2009):

5.

(a) The following employees of Respondent, herein called the Unit, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time heavy equipment operators including the scale operator and the landfill supervisor employed by the Employer at the Rochelle Municipal #2 landfill in Rochelle, Illinois, EXCLUDING temporary employees employed through a temporary agency, office clerical and professional employees, guards and supervisors as defined in the Act.

(b) On February 1, 2007, a representation election was conducted among the employees in the Unit and, on August 23, 2010, the Union was certified as the exclusive collective-bargaining representative of the Unit.

- (c) At all times since at least August 23, 2010, and continuing to date, the Union, based on Section 9(a) of the Act, has been, and is, the exclusive collective bargaining representative of the employees in the Unit for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, and other terms and conditions of employment.
- (d) At all times since at least November 18, 2008, by letter from Union Business Representative Mike Kresge to Respondent's Owner and Managing Partner Clyde Gelderloos, and continuing to date, including by letter from Mike Kresge to Gelderloos on about November 1, 2010, the Union has requested that Respondent recognize it as the exclusive collective bargaining representative of the Unit and bargain collectively with it as the exclusive collective bargaining representative of the Unit.

6.

Since at least December 10, 2008, by letter from Respondent's attorney to Union Business Representative Kresge, and continuing to date, Respondent has failed and refused to recognize and bargain with the Union as the exclusive collective-bargaining representative of the Unit.

2. Respondent's answers to paragraphs 5(a), (c) and (d) and 6 of the Complaint as amended above are the same as set forth in the original Answer (filed on March 4, 2009), and its answer to paragraph 5(b) is amended, so as to read:

5.

- (a) Respondent denies that the Landfill Supervisor is appropriately included in the designated unit. Respondent admits the remaining allegations contained in Paragraph 5(a)
- (b) Respondent admits the election was conducted and the Union was certified but denies that the certification was proper under the Act.
- (c) Respondent denies the allegations contained in Paragraph 5(c), inasmuch as the certification election was improperly conducted and its results are accordingly invalid.
 - (d) Respondent admits the allegations contained in Paragraph 5(d).

6.

Respondent admits the allegations contained in Paragraph 6.

3. Counsel for the General Counsel waives proper service under the Board's Rules & Regulations of *Rochelle's Statement of Reasons Why the Board Should Not Grant the General Counsel's Motion for Summary Judgment*, filed with the Board on about October 7, 2010.

Dated the 12th day of November 2010.

/s/ Debra L. Stefanik
Debra L. Stefanik
Counsel for the General Counsel
National Labor Relations Board
Subregion Thirty-Three
300 Hamilton Boulevard

Peoria, IL 61602

/s/ James Pirages

James Pirages Counsel for Respondent Hinshaw & Culbertson LLP POB 1389 100 Park Avenue Rockford, IL 61105-1389

CERTIFICATE OF SERVICE

I hereby certify that I have on the 12th day of November 2010 electronically served a copy of the foregoing JOINT MOTION TO ACCEPT STIPULATION AS PARTIES' COMPLIANCE WITH SHOW CAUSE NOTICE on the following parties:

Joshua G. Vincent Hinshaw & Culbertson LLP 222 North LaSalle Street, Suite 300 Chicago, IL 60601-1081

Hinshaw and Culbertson LLP POB 1389 100 Park Avenue Rockford, IL 61105-1389 ipirages@hinshawlaw.com

James Pirages

Email: jvincent@hinshawlaw.com

Bryan P. Diemer International Union of Operating Engineers, Local 150 6200 Joliet Road Countryside, IL 60525

Email: bdiemer@local150.org

I certify that I have electronically filed a true and correct copy of the foregoing JOINT MOTION TO ACCEPT STIPULATION AS PARTIES' COMPLIANCE WITH SHOW CAUSE NOTICE on Lester A. Heltzer, Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570 on the 12th day of November 2010.

/s/ Debra L. Stefanik

Debra L. Stefanik Counsel for the General Counsel National Labor Relations Board Subregion Thirty-Three 300 Hamilton Boulevard Peoria, IL 61602

Email: Debra.Stefanik@nlrb.gov